

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KOCH FOODS OF ALABAMA LLC,)
an Alabama limited liability company)

Plaintiff ,)

v.)

CIVIL ACTION NO. 2:07-cv-522-MHT

GENERAL ELECTRIC CAPITAL)
CORPORATION, a Delaware)
corporation)

Defendant and Counter-Plaintiff.)

ORDER

Pending before the Court is Plaintiff's *Motion for Protective Order, and for Sanctions Against Counsel for General Electric Capital Corporation* (Doc. 22, filed October 24, 2007) and other related motions. As per the Court's discussions with counsel on November 2, 2007, because this is a diversity action, state law controls the privileged nature of the material sought in discovery. *See Somer v. Johnson*, 704 F.2d 1473, 1478 (11th Cir. 1983). Thus, supplemental briefs using Alabama state law are due by **noon on Friday, November 9, 2007**.

DONE this 6th day of November, 2007.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE